

# HOUSE . . . . . No. 166

By Mr. Walsh of Boston, petition of Martin J. Walsh and others relative to the retirement options of certain public safety personnel. Public Service.

## The Commonwealth of Massachusetts

### PETITION OF:

Martin J. Walsh                      Brian P. Wallace  
Robert K. Coughlin

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO RETIREMENT LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Paragraph (b) of subdivision (1) of section  
2 twenty-two of chapter 32 is hereby amended by adding after the  
3 words “July first nineteen hundred and ninety-six” the last time  
4 they appear, the following words:— and withhold on each payday  
5 ten percent of the regular compensation of each employee who is  
6 eligible to receive benefits provided for pursuant to section  
7 twenty-six A of this chapter.

1     SECTION 2. Chapter 32 of the General Laws is hereby  
2 amended by inserting after section twenty-six the following  
3 section:—

4     Section 26A. (1) As used in this section, the following words  
5 shall, unless the context otherwise requires, have the following  
6 meanings:

7     “Public Safety Officer”, a uniformed member of a paid fire  
8 department or permanent member of a police department or to any  
9 permanent crash crewman, crash boatman, fire controlman or  
10 assistant fire controlman employed at the General Edward

11 Lawrence Logan International Airport, or a probation officer and  
12 court officer employed by the trial court, or a parole officer, or a  
13 state environmental police officer, or a state corrections program  
14 officer, or a University of Massachusetts campus police officer, or  
15 a Bureau of Special Investigations investigator, all state and  
16 county corrections officer series currently governed under Chapter  
17 32, Section 28M, inclusive of inmate transportation officers or a  
18 social worker employed by the Department of Mental Health,  
19 Forensic Division.

20 (a) Any public safety officer shall be retired by the appropriate  
21 retirement board upon his attaining age sixty-five; provided that  
22 any such public safety officer who has performed service as a  
23 public safety officer for not less than twenty years and who has  
24 not attained the age of sixty-five may elect to retire pursuant to  
25 the provisions of this subdivision. (b) Upon retirement under the  
26 provisions of this subdivision, a member shall receive a retirement  
27 allowance to become effective on the date of his retirement. Pay-  
28 ments under such retirement allowance shall be made as provided  
29 for in sections twelve and thirteen and the normal yearly amount  
30 thereof shall be equal to sixty percent of the average annual rate  
31 of his regular compensation received by such member during any  
32 period of three consecutive years of creditable service for which  
33 such rate of compensation was the highest, or on the average  
34 annual rate of regular compensation received by such member  
35 during the period or periods, whether consecutive or not, consti-  
36 tuting his last three years of creditable service preceding his  
37 retirement, whichever is the greater, provided, that the total  
38 amount of the allowance shall be increased by one-twelfth of three  
39 percent for each full month of services excess of twenty years of  
40 service; provided, however, that such retirement allowance shall  
41 in no case exceed 80 percent of such regular compensation.

42 Any such member retired under the provision of this subdivi-  
43 sion who is a veteran as defined in section one shall receive an  
44 additional retirement allowance of fifteen dollars for each year of  
45 creditable service or fraction thereof; provided, that the total  
46 amount of said additional retirement allowance shall not exceed  
47 three hundred dollars in any case.

48 (4) Section five, six, eight and sixteen, subdivisions (1) to (3),  
49 inclusive, or section ten, and all other provisions of sections one

50 to twenty-eight, inclusive, which are inconsistent with any provi-  
51 sions of this section, shall not apply to any member so classified  
52 under this section.

1     SECTION 3. Any member of a retirement system who meets  
2 the definition of public safety officer as defined by section  
3 twenty-six A of chapter thirty-two on the effective date of this act  
4 may elect in writing to participate in the alternative public safety  
5 retirement benefit provided under said section twenty-six A within  
6 ninety days of the sate this act takes effect. Any such election  
7 shall become effective on the first day of the pay period next  
8 following such election and shall constitute a waiver of any retire-  
9 ment benefits provided under section five or section ten of chapter  
10 thirty-two. Any member making such an election shall be  
11 required to make a minimum if three years of retirement contribu-  
12 tions at the rate of ten percent; provided however, that if said  
13 member chooses to retire before he has made said three years of  
14 contribution at ten percent the member shall have deducted from  
15 his retirement allowance an amount equal to the contributions that  
16 would have been made had such member remained in service for  
17 three years rate of regular compensation from which he retired.  
18 The election by an eligible member to participate in the alterna-  
19 tive public safety retirement benefit provided for under said  
20 section twenty-six A shall be irrevocable.